IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1270 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GSRTC

Versus

RANCHHODBHAI JIVABHAI PATEL

Appearance:

1. Special Civil Application No. 1270 of 2003

MR HARDIK C RAWAL for the petitioner.

MR.PRABHAKAR UPADHYAY FOR MR MUKESH H RATHOD for the respondent.

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 11/02/2003

ORAL JUDGEMENT

RULE. Mr.Prabhakar Upadhyay, the learned advocate appearing on caveat on behalf of Mr.Mukesh H.

Rathod, the learned advocate waives service of rule. With the consent of the learned advocates, the matter is taken up for final hearing. Gujarat State Road Transport Corporation (hereinafter referred to as "the Corporation") has challenged the judgment and order of the Industrial Tribunal, Ahmedabad (hereinafter referred to as "the Tribunal") dated 3.9.2002 in Reference (IT) No.215 of 1997.

2. The case of the petitioner is that on 23.10.1991 the respondent workman-conductor was found to have been indulging in financial irregularities. Therefore, after holding departmental inquiry, punishment of reducing the respondent workman by 10 stages was imposed. The learned Member of the Tribunal was pleased to reduce the punishment by imposing modified punishment of reduction by two stages only. After careful consideration of the facts of the case, the past record of the respondent workman and the facts of this case, it is deemed fit that the judgement and order of the Tribunal be modified by increasing the punishment imposed by the Tribunal from two stages to five stages which will serve the interest of justice. It is directed that the respondent workman shall file an undertaking before this Court, a copy of which be served to the corporation that in future he will not indulge in any such irregularities. The petition is accordingly disposed of. Rule is made absolute to the aforesaid extent. No order as to costs.

(Ravi R. Tripathi, J.)

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